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Docket No.: 0701.123B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: William E. Yelle

Serial No.: 10/046,464

Group Art Unit: 6791

Filed: October 19, 2001

Examiner: Cook, Rebecca

Title: HYDROXYLANSOPRAZOLE METHODS

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Philip E. Hansen  
Agent for Applicant  
Reg. No. 32,700

Date of Signature: June 26, 2002

To: Assistant Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO A REQUEST TO ELECT SPECIES

Dear Sir:

This is in response to the action mailed May 21, 2002, which set a one month period for response. In light of a request for one-month extension and fee therefor, enclosed herewith, response is due July 21, 2002. This response is therefore timely filed. The action requires election of a species for initial examination.

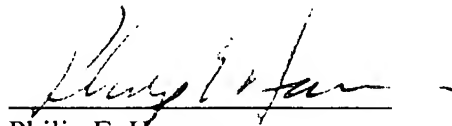
Applicants hereby elect, without traverse, the species of treating ulcers. The species is read upon by claims 1, 2 and 7-15. Claim 1 is generic to this species.

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In the Office Action of May 21, the Examiner requested canceling "the claims which recite the non-elected diseases." Applicants have not canceled any claims. No restriction requirement is currently in effect. Applicants have been required to elect a species, and they have done so. MPEP 809.02(c) states that "An examiner's action subsequent to an election of species should include a complete action on the merits of all claims readable on the elected species." Claim 1, which is generic, reads on the elected species. If it is allowable, the remaining claims should be allowable as well. According to MPEP 809.02(a) ¶8.01 "Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form ..." Claims 3-6 are dependent from claim 1, and applicant is not required to cancel them at this point in prosecution.

In the Office Action of May 21, the Examiner also requested an IDS. An IDS was sent with the application as filed. Another copy is enclosed.

Respectfully submitted,



Philip E. Hansen  
Agent for Applicants  
Reg. No. 32,700

Dated: June 26, 2002

Address for Correspondence:  
Philip E. Hansen  
HESLIN ROTHENBERG FARLEY & MESITI P.C.  
5 Columbia Circle  
Albany, New York 12203-5160  
Telephone: (518) 452-5600  
Facsimile: (518) 452-5579